

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,  
ex rel. Laurie Simpson,

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION REGARDING  
ATTORNEY FEES**

Civil File No. 08-5758(MJD)

Bayer Corporation, Bayer AG,  
and Bayer Healthcare  
Pharmaceuticals, Inc.,

Defendants.

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Kyle C. Bisceglie, Olshan Frome Wolosky, LLP, in association with local counsel D. Clay Taylor, Taylor Friction, PLLC, Former Proposed Intervenor and Former Counsel to Relator Laurie Simpson.

John Marti, Alex P. Hontos, Caitlin L.D. Hull, Dorsey & Whitney LLP, Jonathan F. Cohn, Lehotsky Keller Cohn LLP, on behalf of Defendants.

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**I. INTRODUCTION**

This matter is before the Court on the Report and Recommendation by Special Master Tara C. Norgard, dated January 25, 2024. (Doc. 330 (“the R&R”).) The R&R recommends that the Olshan Law Firm’s Motion to Intervene and for

Fees Pursuant to 32 U.S.C. § 3730(d) be granted to the extent explained in the R&R. There are no objections to the R&R.

Pursuant to statute, the Court has conducted a de novo review of the record. See Fed. R. Civ. P. 53(f)(3)-(5) (legal and factual conclusions must be reviewed de novo, but procedural matters are typically reviewed for an abuse of discretion). Based on that review and in consideration of the applicable law, the Court will adopt the R&R in its entirety.

The Court also reiterates the following:

The special master shall be compensated at the rate of \$685 per hour. Compensation of the special master shall be apportioned as follows: 50% will be paid for by Plaintiffs and 50% will be paid for by Defendants.

(Doc. 312 at 2.) Therefore, to the extent the Olshan Firm's March 13, 2024 letter stating objections to paying half of the Special Master's fees (Doc. 331) is a late-filed objection to the R&R, that objection is **OVERRULED**.

## **II. ORDER**

Based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation by Special Master Tara C. Norgard, dated January 25, 2024 [**Doc. 330**];

2. Olshan Frome Wolosky LLP's Motion to Intervene and for Attorneys' Fees, Expenses, and Costs Pursuant to 31 U.S.C. § 3730(d) [Doc. 286] is **GRANTED to the extent detailed in the Report and Recommendation;**

3. Olshan Frome Wolosky is awarded fees for work on the underlying litigation in the amount of \$247,789.58;

4. Olshan Frome Wolosky is awarded costs and expenses associated with work on the underlying litigation in the amount of \$7,346.69;

5. Olshan Frome Wolosky is awarded fees for fees on fees work in the amount of \$43,727.40; and

6. Olshan Frome Wolosky is awarded costs and expenses associated with fees on fees work in the amount of \$6,105.18.

Dated: April 2, 2024

s/Michael J. Davis

Michael J. Davis

United States District Court